

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

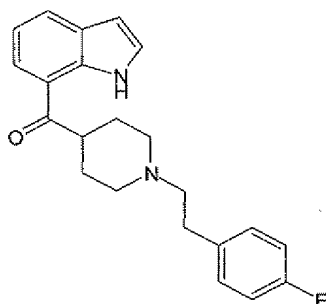
In re application of :
Timo HEINRICH : Group Art Unit.: 1625
Serial No.: 10/590,912 : Examiner: CHANG, Celia C.
Filed: August 28, 2006 :
Title: PIPERIDINE DERIVATIVES

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Further to the Office Action mailed on August 18, 2009, applicants elect with traverse group I, directed to products. As species, the following compound I6 of claim 2 is elected with traverse:



The claims of groups II and III will be amended to method claims dependent on claim(s) of the elected group.

The traversal is on the grounds that the patent office has not established that it would pose an undue burden to examine the full scope of the claimed invention.

Applicants remind the Examiner of 37 CFR 1.141, according to which an applicant is entitled to consideration of claims to additional species which are written in independent form or otherwise include all the limitations of an allowed generic claim.

Additionally, applicants bring the attention of the Examiner to MPEP § 821.04,

Rejoinder, which states that "if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined." If the restriction requirement is maintained at this point, rejoinder of the non-elected claims is respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

Csaba Henter, Reg. No. 50,908
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5331
Facsimile: 703-243-6410
Attorney Docket No.:MERCK-3230

Date: September 1, 2009

K:\Merck\3000 - 3999\3230\reply sept 09.doc